

FILED: July 25, 2016

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-9764
(5:05-cr-00216-FL-1)

In re: MICHAEL THOMAS McMILLION,

Movant.

O R D E R

Michael Thomas McMillion has filed a motion pursuant to 28 U.S.C. §§ 2244(b), 2255(h) (2012) for authorization to file a second or successive 28 U.S.C. § 2255 (2012) motion. In support of his application, McMillion relies on the Supreme Court's decision in Johnson v. United States, 135 S. Ct. 2551 (2015) (declaring residual clause of Armed Career Criminal Act unconstitutionally vague). See Welch v. United States, 136 S. Ct. 1257 (2016) (holding Johnson retroactively applicable to cases on collateral review).

Our review of the relevant materials convinces us that McMillion fails to make the prima facie showing necessary to receive the requested authorization. See 28 U.S.C. § 2255(h); In

re Williams, 330 F.3d 277, 281 (4th Cir. 2003). Therefore, we deny McMillion's application for authorization.

Entered at the direction of the panel: Judge Niemeyer, Judge Keenan, and Judge Diaz.

For the Court

/s/ Patricia S. Connor, Clerk